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09/870,207	05/30/2001	Tadashi Ezaki	SONYJP 3.0-174	7825

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EXAMINER

PERUNGAVOOR, VENKATANARAY

ART UNIT PAPER NUMBER

2132

DATE MAILED: 06/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/870,207

Applicant(s)

EZAKI ET AL.

Examiner

Venkatanarayanan Perungavoor

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24, 30-37, 42-49 and 53-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-24, 30-37, 42-49 and 53-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 30 May 2001 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

1. The inventions are distinct, each from the other because:

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- a. Independent Claims 1, 7, 13, 19, 30, and 34 and their dependents, drawn to a system for managing the copying of contents to external equipment, classified in class 713, subclass 176.
 - b. Independent Claim 25 and their dependents, drawn to a server for managing copying of contents, classified in class 380, subclass 270.
 - c. Independent Claims 38, 39, 40, 41 and their dependents, drawn to a information processing device for executing copying of contents, classified in class 380, subclass 269.
-
2. Inventions stated in Groups I-III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention relating to each of the methods for providing an authentication method for authenticating an article can be used separately for each other without loss of utility. See MPEP § 806.05(d).

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3. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.
4. Because these inventions are distinct for the reasons given above and have acquired a separate status in the art because of their recognized divergent subject matter, restriction for examination purposes as indicated is proper.
5. Because these inventions are distinct for the reasons given above and the search required for Group I is not required for Groups II-III restriction for examination purposes as indicated is proper.
6. A telephone call was made to Attorney for the Applicants Ms. April Capati on 6/2/2005 to request an oral election to the above restriction requirement, resulted in an election of Group I, Independent Claims 1, 7, 13, 19, 30, and 34 and their dependents being made. And thus the non-elected claims of Group II and III are withdrawn from consideration.
7. Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment to inventorship

must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

8. This application contains independent claims 25, 38, 39, 40, 41 and their dependents drawn to an invention nonelected with traverse in response to a telephone conversation of 6/2/2005. A complete reply to the final rejection must include cancellation of nonelected claims or other appropriate action (37 CFR 1.144) See MPEP § 821.01.

Response to Arguments

9. The Applicant's arguments filed on 4/6/2005 regarding the 35 USC § 112 rejections are withdrawn as Claims 1,7,13,19 are amended.
10. The Applicant's arguments regarding independent claims 1, 7, 13, 19, and 30 are not persuasive as U.S. Patent 6,707,774 B1 to Kuroda et al.(hereinafter Kuroda) discloses of a database storing copy information regarding whether copying is permissible, and further Kuroda suggests of a "collation unit" for searching the database for copy information and producing results of the search see Col 14 Ln 38-61. As Kuroda teaches of a table¹ which contains information about the permissibility of copying and searching the database for appropriate action.

¹ A database is commonly understood to be an table containing fields that the computer can recognize, thus essentially an database is a collection of tables. See <http://www.webopedia.com/TERM/d/database.html> for more information about definition of databases.

Response to Amendments

Claims Rejections - 35 USC § 102

11. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

12. A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

13. Claim 1 rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent 6,707,774 B1 to Kuroda et al(hereinafter Kuroda).

14. Regarding Claim 1 and 13, Kuroda discloses of a readers for reading in contents to be copied and identification information see Col 2 Ln 47-61; a database operable to store copy information see Fig. 8, Fig. 11A-11B & Col 14 Ln 38-44; a collation unit to search database based on identification information and to create a collation result see Col 14 Ln 45-61; a electronic watermark inspection unit to inspect electronic watermarks see Col 11 Ln 23-27; a controller operable to control copying based on the collation result see Col 22 Ln 15-21; collation unit matching record exist copying according to matching record, and where it does not exist copying according to inspection result see Col 11 Ln 23-39 & Fig 8.

15. Regarding Claim 2, 8, 14, 20 Kuroda et al. discloses having an MPEG2 encoder that codes using MPEG2 that output to a switch that has the input from controller see Column 11 Line 9-22 & Figure 9.

16. Regarding Claim 3, 9, 15, 21, Kuroda et al. discloses an secure channel for communication between controller and database see Column 9 Line 61-column 10 Line 5.

17. Regarding Claim 4, 10, 16, 22, 31, 35 Kuroda et al. discloses the information being divided into a plurality of sectors with each sector comes an header, error detection and data area of content see Column 11 Line 40-53.

18. Regarding Claim 5, 11, 17, 23, 32, 36 Kuroda et al. teaches of scrambling of image that includes the attribute information see Column 12 Line 1-4.

19. Regarding Claim 6, 12, 18, 24, 33, 37 Kuroda et al. discloses data being in sectors each having an characteristic quantity and value related to the content see Column 11 Line 59-65.

20. Regarding Claim 7, 19, 30 and 34, Kuroda discloses of reading in contents to be copied and identification information see Col 2 Ln 47-61; the maintaining of a database operable to store copy information see Fig. 8, Fig. 11A-11B & Col 14

Ln 38-44; searching of database based on identification information and to create a collation result see Col 14 Ln 45-61; a electronic watermark inspection unit to inspect electronic watermarks see Col 11 Ln 23-27; a controller operable to control copying based on the collation result see Col 22 Ln 15-21; collation unit matching record exist copying according to matching record, and where it does not exist copying according to inspection result see Col 11 Ln 23-39 & Fig 8.

21. Regarding Claims 42, 44, 46, 48, 53, 55, Kuroda discloses the reading of attribute information and searching of the database based on the attribute information see Col 3 Ln 46-65 & Fig. 11A.

22. Regarding Claims 43, 45, 47, 49, 54, 56, Kuroda discloses the use of watermarks for each of the contents see Col 11 Ln 23-27.

Conclusion

23. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a). A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee

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pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Venkatanarayanan Perungavoor whose telephone number is 571-272-7213. The examiner can normally be reached on 8-4:30. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Gilberto Barron can be reached on 571-272-3799. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

25. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Venkatanarayanan Perungavoor
Examiner
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VP
6/3/2005



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